

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

FREDERICK WAYNE ANDERSON

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Case No. 4:12cr196
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 22, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Clint Broden. The Government was represented by Ernest Gonzalez.

On June 8, 2005, Defendant was sentenced by the Honorable Henry E. Autrey for the offense of Conspiracy to Possess with Intent to Distribute Cocaine. Defendant was sentenced to seventy-five (75) months' imprisonment followed by a term of supervised release of four years. On February 2, 2010, Defendant completed his period of imprisonment and began his supervised release term. On August 28, 2012, jurisdiction was transferred to the Eastern District of Texas.

On June 1, 2011, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following condition: (1) the defendant shall not commit another federal, state, or local crime. The petition alleged additional violations, but the other alleged violations were abandoned by the Government at the hearing.

The Government requested that the Court take judicial notice of Defendant's prior conviction. The Court took judicial notice of Defendant's conviction and judgment. *See* 4:11cr79 (Dkt. #497). This prior judgment is on appeal. Defendant offered no evidence.

The Court finds the guideline range in this case is eighteen to twenty-four months. The probation officer recommended eighteen months of imprisonment with no supervised release to follow. The Government requested twenty-four months.

RECOMMENDATION

The Court finds that Defendant has violated his conditions of his supervised release. Based upon these violations, the Court recommends that Defendant's supervised release should be revoked. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow.

The Court also recommends that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 23rd day of January, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE